IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9697 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VAIDYA MANORAMABEN MUKESHBHAI

Versus

UNION OF INDIA

Appearance:

MR BM MANGUKIYA for Petitioner

MR UDAY VYAS, Ld.Additional Central Govt. Standing Counsel for respondent.

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 14/09/2000

ORAL JUDGEMENT

Rule.Mr.Uday Vyas, Learned Additional Central Govt.Standing Counsel waives service of rule for respondent. With consent of the learned counsel for parties, the matter is taken-up for final disposal today.

2. In this petition under Article 226 of the Constitution, the petitioner has prayed for a writ directing the Regional Passport Officer to correct the mistakes in the petitioner's passport.In the application, the petitioner had stated her birth date as 09/11/1955 on the basis of School Leaving Certificate (Annexure-B to the petition). However, when the petitioner found that the petitioner's correct birth date is 08/11/1955 as reflected in the birth certificate issued by the Anand Municipal Local Area, the petitioner requested respondent no.2-Regional Passport Officer, Ahmedabad to make aforesaid correction in her passport application as per her request dated 16/08/2000 (Annexure-D to the petition). Inspite of the said request, respondent no.2 did not proceed on that basis and, therefore, the petitioner sent reminder on 11/09/2000 (Annexure-E to the petition). Respondent no.2, however, has not accepted the aforsaid application dated 16/08/2000. Therefore, the petitioner has approached this Court.

3. In view of the settled position that if there is any discrepanry between the birth date recorded in the birth certificate issued by the Municipality/Local Authority and the birth date recorded in the School Leaving Certificate, the birthdate recorded in the birth certificate should normally prevail the Regional Passport Officer should not have any hasitation in accepting the petitioner's application dated 16/08/2000 for showing birth date in the passport on the basis of the birth certificate issued by the Anand Municipality.

4. In view ofthe above discussion, the petition is allowed. The respondents are directed to issue the petitioner passport on the basis of the birth date as recorded in the birth certificate dtd. 08/02/1985 (Annexure -A to the petition). If all other formalities are complied with, respondent shall issue passport on the aforesaid basis within 10 days from the receipt ofthe writ of this Court or a certified copy of this order whiever is earlier. This petition is allowed. Since the petitioner pointed out the mistake before the respondent issued any passport, this is not a fit case for directing the petitioner to pay any costs to the respondents. Rule is made absolute. Direct service is permitted.

(M. S. Shah,J.)

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